

**GOVERNMENT OF TELANGANA
ABSTRACT**

Panchayat Raj & Rural Development Department – Gram Panchayat funds – Joint Cheque powers in Gram Panchayats – Amendment to G.O.Ms.No.30, Panchayat Raj & Rural Development Department, Dated.20.01.1995 - Orders – Issued.

**PANCHAYAT RAJ&RURAL DEVELOPMENT (PTS.II) DEPARTMENT
G.O.Ms.No. 59** **Dated: 05-08-2017**
Read the following:

1. G.O.Ms.No.30, PR & RD Department, Dated.20.01.1995.
2. G.O.Rt.No.278, PR & RD (Pts.II) Department, Dated.06.12.2014.
3. Order dated.05.02.2015 of the Hon'ble High Court of Judicature at Hyderabad in WPMP No.51434 of 2014 in WP No.41060 of 2014.
4. From the DPR&RE, Hyderabad, Lr.No.838/CPR&RE/D1/2015, Dt.02.03.2015.

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ORDER:

Whereas, in the G.O. second read above, orders were issued that, all Scheme Funds as well as Gram Panchayat Funds shall be jointly operated by the Sarpanch with the Joint Signature of Panchayat Secretary in Telangana State.

2. And whereas, in the third read above, the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of A.P. in its order dated.05.02.2015 in WPMP No.51434 of 2014 in WP No.41060 of 2014 ordered that, Rule 40 empowered only Sarpanchs to exercise cheque power unless it is withdrawn, but the impugned G.O. is issued imposing condition of counter signature of Panchayat Secretary, which is against Rule 40 to the extent of Gram Panchayat funds. The object of impugned G.O. can be appreciated, but the procedure is not in accordance with law. Statutory rules framed under Section 268 of the Panchayat Raj Act, cannot be amended or repealed by way of executive orders like the present impugned G.O. When Rule 40 of the Rules is in force, the Government cannot issue the impugned G.O.Rt.No.278, Panchayat Raj & Rural Development (Pts.II) Department, dated.06.12.2014 in respect of Gram Panchayat funds. If the Government wants to impose such a restriction, it should amend the rules and till such time, the impugned G.O. cannot stand. In view of the same, clause (4) of the impugned G.O.Rt.No.278, Panchayat Raj & Rural Development (Pts.II) Department, dated.06.12.2014 to the extent of Gram Panchayat funds is suspended.

3. And whereas, the Director, Panchayat Raj & Rural Employment, Hyderabad in his letter fourth read above has sent a proposal to Government with a request to amend the Rule 40 of G.O.Ms.No.30, Panchayat Raj & Rural Development (Pts.II) Department, Dated.20.01.1995.

4. Now, therefore, after careful examination, Government have decided to amend the Rule 40 in G.O.Ms.No.30, Panchayat Raj & Rural Development (Pts.II) Department, Dt.20.01.1995 in order to curb any possible misuse of Gram Panchayats funds.

5. The Commissioner, Panchayat Raj & Rural Employment, Hyderabad and all the District Collectors (Panchayat Wing) of Telangana State shall take further action accordingly.

(PTO)

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6. Accordingly, the following notification will be published in the Extraordinary Gazette of Telangana State, dated.05.08.2017.

NOTIFICATION

In exercise of the powers conferred by Section 268 of Telangana Panchayat Raj Act, 1994, Government of Telangana hereby issue the following amendment to Rule 40 in G.Ms.No.30, Panchayat Raj & Rural Development (Pts.II) Department, dated.20.01.1995.

AMENDMENT

In the said rules, for rule 40, the following shall be substituted namely,-

"since the Government have appointed executive authority to all Gram Panchayats by appointing the Panchayat Secretary, it is decided that for drawal of all scheme funds as well as Gram Panchayat funds, the cheques shall be signed jointly by the Sarpanch of the Gram Panchayat and Panchayat Secretary of the Gram Panchayat".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**VIKAS RAJ
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)**

To

The Commissioner, Printing Stationery and Stores Purchase (Printing Wing), Hyderabad with a request to publish the Notification in the Telangana Extra Ordinary Gazette and send 200 copies to PR&RD Dept.

The Commissioner, Panchayat Raj & Rural Employment, Hyderabad.

The all District Collectors (PW), Telangana State (expect Hyderabad)

Copy to:-

The all the DPOs, Telangana State (expect Hyderabad).

The P.S. to the Secretary to Hon'ble CM

The P.S. to the Hon'ble M(PR&RD)

The P.S. to the C.S. to Govt., Telangana Secretariat, Hyderabad.

The P.S. to the Principal Secretary to Govt. (FAC), PR&RD Department.

The Law (C) Department, T.S. Secretariat.

SF/SC.

// FORWARDED BY :: ORDER //

SECTION OFFICER.